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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSVISHAL SAXENA, Ph.D.,
Plaintiff,

v.

UNIVERSITY OF MASSACHUSETTS
MEDICAL SCHOOL,
Defendant.

CIVIL ACTION NO. 4:19-CV-40007-TSH

RESPONSE TO DEFENDANT'S RESPONSE ON MOTION TO RECONSIDER MOOTNESS

Dr. Vishal Saxena (Dr. Saxena or Plaintiff) files this response to Defendant's response.

Dr. Saxena filed his motion for sanctions against Defendant on or around September 8, 2021.

Dr. Saxena duly informed Defendant about the motion. However, as pointed out in a subsequent counsel's filing 'MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION FOR SANCTIONS' which as far as Dr. Saxena understands was docketed on September 20, 2021, says (emphasis added), "At the present time, no one, other than current counsel, has even bothered to try file an opposition to the motion for sanctions filed by the Defendant. Not even just a document without a memorandum asserting an opposition. **The motion to withdraw does not excuse counsel from filing a timely opposition by September 6, 2021.**"

That same memorandum says, "**He remains Plaintiff's counsel at the filing of this memorandum.**" The court allowed that counsel to withdraw on October 7, 2021. Further, docket entry 66 from September 21 shows that UMass filed an opposition to the motion for sanctions

that Dr. Saxena had filed. November 16th happened months after all this transpired. The court during this time did not make the matter moot and Defendant did not seek to have it made moot.

Further, the court in the docket entry from November 16, 2021, states "The Plaintiff shall reimburse the Defendants for their reasonable attorney's fees incurred in prosecuting their Motion to Compel 41 , their Motion for Sanctions 53 , and in defending Plaintiff's Motion for Sanctions."

The last entry in the list is what Plaintiff is referring to. If indeed Plaintiff when represented by an attorney files a motion and that motion becomes moot according to the 2023 context, then that same standard was not applied in 2021, and therefore Dr. Saxena respectfully requests the honorable court to reconsider mootness.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'V. Saxena', with a long horizontal flourish extending to the right.

Dr. Vishal Saxena

May 18, 2023